

EXPLANATORY MEMORANDUM TO

The Hannahstown Hill, Belfast (Abandonment) Order (Northern Ireland) 2017

S. R. 2017 No. 95

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the rule is to abandon an area of 617.6 square metres of superseded road at Hannahstown Hill, Belfast. On the coming into operation of the rule, the area of road in question shall cease to be maintainable by the Department and the public right of way over it shall be extinguished.

3. Background

- 3.1. The abandonment will come into effect following the construction of a footpath from Hannahstown Hill to the Glen Road for the use of residents and construction of a footway linking the existing footways on Glen Road.
- 3.2. The proposed abandonment has been requested to assist in removing anti-social behaviour in the area.
- 3.3. The bed and soil of the area to be abandoned is partly owned by the former Department of Enterprise, Trade and Investment and partly by the Northern Ireland Housing Executive and the ownership of the remainder of the area is unregistered. Following the abandonment, part of the area of road in question will be incorporated into the properties of adjacent frontagers.

4. Consultation

- 4.1. The PSNI has been consulted and has no objection. Belfast City Council has also been advised of the proposed abandonment.
- 4.2. In accordance with the statutory consultation process a notice in respect of the proposed abandonment was published in the local press for two successive weeks. In addition, a notice was posted on site and the statutory undertakers were notified of the proposal.
- 4.3. Northern Ireland Electricity (NIE) and British Telecom (BT) initially objected to the proposed abandonment but following extensive negotiations the objections have been withdrawn. No other objections or representations have been received.

4.4. Due to the length of time it took to resolve the NIE and BT objections, the Department has confirmed that there are no changes and that the frontagers and landowners remain the same.

5. Equality Impact

5.1. Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998. No equality issues have been identified by the Department and no issues were raised following the publication of the notice in the press.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the proposal does not result in any costs or savings to business, charities or the voluntary bodies.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. Consideration has been given to compliance with Section 24 of the Northern Ireland Act 1998. No human rights issues have been identified by the Department and no issues were raised following the publication of the notice in the press.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.